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Attorneys for Defendant Google LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**DECLARATION OF JONATHAN TSE IN
SUPPORT OF GOOGLE LLC'S
ADMINISTRATIVE MOTION TO
ENLARGE TIME TO FILE ANSWER TO
SECOND AMENDED COMPLAINT
(DKT. 136-1)**

Judge: Hon. Lucy H. Koh

1 I, Jonathan Tse, declare as follows:

2 1. I am a member of the bar of the State of California and an attorney with Quinn
3 Emanuel Urquhart & Sullivan, LLP, attorneys for Defendant Google LLC (“Google”) in this action.
4 I make this declaration of my own personal, firsthand knowledge, and if called and sworn as a
5 witness, I could and would testify competently thereto.

6 2. Pursuant to Civil Local Rule 6-3, I submit this declaration in support of Google’s
7 Motion to Enlarge the Time to File its Answer to Plaintiffs’ Second Amended Complaint (Dkt. 136-
8 1), which seeks a 10-day extension of Google’s deadline to answer.

9 3. Plaintiffs moved for leave to file their 284-paragraph Second Amended Complaint
10 on April 14, 2021, which the Court granted on April 15, 2021 (Dkt. 138).

11 4. On May 17, 2021, Google moved to dismiss the newly-added Counts Six and Seven
12 (Dkt. 164).

13 5. On December 22, 2021, the Court issued its Order denying Google’s Motion to
14 Dismiss (Dkt. 363).

15 6. Pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Google’s Answer to
16 Plaintiffs’ 284-paragraph Second Amended Complaint is due on January 5, 2022.

17 7. Because the Court’s Order (Dkt. 363) came down prior to the year-end holidays,
18 Google’s in-house and outside counsel’s availability to prepare the Answer has been limited. Several
19 of Google’s employees are also off work for the holidays, making verification of the Answer
20 difficult.

21 8. The Parties met and conferred on Google’s request for an extension.

22 9. On December 31, 2021, Plaintiffs informed Google that they oppose its request and
23 would not engage in further meet and confer related to the request.

24 10. Plaintiffs have not represented that an extension of Google’s time to file the Answer
25 would prejudice them.

26 11. The Court has previously modified the case schedule by extending Plaintiffs’
27 deadline to file a brief response to the affidavit and declaration submitted in response to the Court’s
28 request (Dkt. 110) and the deadline for special master submissions (Dkt. 206), and has also granted

1 the parties' stipulations to extend the time to answer the complaint (Dkt. 42), submit protective order
2 and ESI order (Dkt. 72), submit motion to dismiss briefing (Dkt. 73), submit proposed redactions to
3 the April 27, 2021 hearing transcript (Dkt. 163) and June 2, 2021 hearing transcript (Dkt. 246),
4 submit a declaration in support of Plaintiffs' motion to seal (Dkts. 294, 367), file Google's motion
5 for protective order (Dkt. 301), and respond to third-party subpoenas (Dkts. 347-50). The Court has
6 further granted the parties' stipulations setting a briefing schedule for Google's motion to dismiss
7 Counts Six and Seven of the Second Amended Complaint (Dkt. 175) and continuing several
8 discovery and motion deadlines (Dkt. 261), including the deadlines for the close of fact discovery,
9 opening and rebuttal expert reports, close of expert discovery, filing motion for class certification,
10 and the class certification hearing.

11 12. The 10-day extension to January 15, 2022 will not affect the schedule in this case.
12

13 I declare under penalty of perjury of the laws of the United States that the foregoing is true
14 and correct. Executed in San Francisco, California on December 31, 2021.
15

16 DATED: December 31, 2021

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

17 By /s/ Jonathan Tse
18 Jonathan Tse

19 *Attorney for Defendant*
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